

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WILDWOOD TOWNHOMES OWNERS
ASSOCIATION, a Washington non-profit
corporation,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE
COMPANY, S.I., a Wisconsin corporation, and
DOE INSURANCE COMPANIES 1-10,

Defendants.

NO. 2:21-cv-01080-BJR

ORDER REGARDING DISCOVERY AND
PHASING OF TRIAL

ORDER

After consideration of the parties' submissions on the issue of whether discovery and trial in this matter should be bifurcated, as well as oral argument held on May 24, 2022, the Court concludes as follows.

Discovery in this matter shall proceed with respect to all claims raised in Plaintiff Wildwood Townhomes Owners Association's ("Association") Complaint for Declaratory Relief, Breach of Contract, Bad Faith, Consumer Protection Act Violations, Insurance Fair Conduct Act Violations, and Damages (Dkt. #1). Defendant American Family Mutual Insurance Company's ("American Family") request to bifurcate, stay, or phase discovery is denied.

ORDER REGARDING DISCOVERY AND PHASING
OF TRIAL - 1

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1 The trial shall proceed in two phases before the same jury. The first phase of trial will be
 2 limited to the Association's claims against American Family for breach of contract and/or
 3 declaratory relief under the insurance policy(s) issued by American Family to the Association
 4 and American Family's defenses thereto. The second phase of the trial (should it
 5 become necessary) will pertain to the extracontractual claims brought by the Association
 6 against American Family, specifically regarding American Family's alleged bad faith, violation of
 7 the Insurance Fair Conduct Act ("IFCA"), and violation of the Consumer Protection Act
 8 ("CPA").

9 During the first phase of trial, the parties will limit the presentation of witnesses, evidence,
 10 and argument before the jury to matters relating to the Association's coverage claims. Evidence
 11 presented during the first phase of the trial will not be repeated during the second phase of the trial.

12 If the second phase of trial is necessary, it shall proceed immediately after the jury
 13 has rendered its verdict in the first phase of the trial.

14 The dates, deadlines, and requirements of the Court's Order Setting Trial Dates And Related
 15 Dates (Dkt. #12) shall remain unchanged except that the entry for "Length of Jury Trial" will now
 16 read: "7-10 days with the first phase of trial not to exceed 7 days."

17 **DATED THIS** 27th day of May, 2022.

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19 HONORABLE BARBARA J. ROTHSTEIN